

**REMARKS**

Claims 1- 24 are pending in this application after this Amendment. Claims 6-15, 17-19, and 21 are withdrawn from consideration. In light of the Amendments and Remarks contained herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner rejected claims 1-5, 16, and 20 under 35 U.S.C. § 102(e) as being anticipated by *Iijima et al.* (USP 6,823,080). Applicant respectfully traverses these rejections.

**Prior Art Rejections**

In support of the Examiner's rejection of claim 1, the Examiner asserts that *Iijima et al.* discloses a condition-determining unit for determining a process condition of the first image based on the depth information, citing to col. 10, lines 7-15. Applicant respectfully disagrees with the Examiner's characterization of this reference.

The disclosure of *Iijima et al.* is directed to a three-dimensional information processing apparatus and method. The device of *Iijima et al.* obtains three-dimensional information from an object having a three-dimensional shape and performs predetermined information processing. A plurality of depth information is extracted from image sensing related information sensed by the camera at a plurality of coordinate positions. The plurality of extracted depth information is converted and unified into depth information expressed by a unified coordinate system (Abstract).

Specifically, the device of *Iijima et al.* includes a three-dimensional shape extractor 12 for extracting the three-dimensional shape from an image sensed by the head device 1 and a data combining unit for combining image data extracted by the extractor 12 and the data generated by an operation unit 11 (col. 10, lines 4-9). The three-dimensional shape extractor includes an image sensing processor 13 that calculates the three-dimensional shape (depth information, i.e., distance information) of the object 2 on the basis of the image data stored in the image memory 5

in the corresponding position information of the image sensing head device 1 (col. 10, lines 61-65).

In contrast, the present invention as set forth in claim 1 clearly recites an image processing apparatus for processing an image obtained by photographing a subject comprising an extractor for extracting image information relating to conditions of the image from the first image and depth information indicating a distance between a point to another point on the subject from the second image. As can be seen based upon the teachings set forth above, *Iijima et al.* calculates the three-dimensional shape of the object on the basis of the image data stored in the image memory and the corresponding position information of the image sensing head device. However, there is no teaching or suggestion in *Iijima et al.* that is directed to an extractor for extracting image information relating to conditions of the image from the first image and depth information indicating a distance between a point to another point on the subject from the second image. Since *Iijima et al.* fails to teach or suggest all of the claimed elements, Applicant maintains that *Iijima et al.* fails to anticipate the present invention. It is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claims 2-5 and 22 are allowable for the reasons set forth above with regard to claim 1, at least based upon their dependency on claim 1. It is further respectfully submitted that claims 16 and 20 included elements similar to those discussed above with regard to claims one and thus these claims, together with claims dependent thereon, are not anticipated by *Iijima et al.*

### **Conclusion**

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinnet (Reg. No.

52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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